

REGULAR

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MAY 2008

3:15 P.M., Fiscal Court Meeting Room, Ohio County Community Center, Hartford, KY

Public Hearing

RE: CRA and LGEA Funds

No written or verbal comments were received. Hearing closed at 3: 25 p.m.

(Copy of those present on file)

3:30 P.M., Ohio County Community Center, Hartford, Ky

Meeting called to order by Judge Executive David Jones. Prayer by Magistrate Jason Bullock. Pledge to the American flag.

Those present were as follows:

David G. Jones	Judge Executive
Gregory B. Hill	County Attorney
Cheryl Morris	Fiscal Court Clerk
Hayward D. Minton	Magistrate District 1
Jason Bullock	Magistrate District 2
Richard Robinson	Magistrate District 3
Larry Keown	Magistrate District 4
Bill Burden	Magistrate District 5

Motion made by Esq. Burden that the Court approve the minutes of the regular meeting on April 29, 2008 as presented. (on file in Fiscal Court Order Book, Clerk’s office)

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve the bills, claims, payments and transfers as presented. (copy on file, Clerk’s office)

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to accept the following Viewer’s Report dated May 19, 2008 regarding the permanent closure of 13,692 feet of Midway Road in Ohio County, KY:

Commonwealth of Kentucky	May 19, 2008
Ohio County Fiscal Court	
Hartford, KY 42347	

RE: The matter of the permanent discontinuance of 13,692 feet of Midway Road, Ohio County, Kentucky.

In compliance with the Ohio County Fiscal Court Order dated April 29, 2008, we the undersigned viewed the above described County Road. No public traffic was noted during the viewing and we find that there should be no inconvenience resulting from this permanent closure.

S/Donald Ford, County Road Supervisor

S/Hillard Farris

S/Jeff Stenberg

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The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Robinson that the Court approve to accept the written Memorandum of Understanding from Armstrong Coal Company, Inc., signed by Dennie Grider, Land Manager, regarding their agreement to resurface a remaining portion of Midway Road, depending upon negotiations with property owners (entered below).

Armstrong Coal Company, Inc.

407 Brown Road; Madisonville, Kentucky 42431

Phone: 270-821-0987 • Fax: 821-4245

May 18, 2008

David Jones
Judge Executive Ohio County
P.O. Box 146
Hartford, Kentucky 42347

RE: Memorandum of understanding Mid-Way Road closings.

Judge Jones,

I would like to take this opportunity to thank you and Richard for meeting with me on May 6, 2008 to discuss the road closings in the Mid-Way area. It is an assertion by Armstrong Coal Company, based upon the facts at hand, that the county roads within the mining area at the Mid way mine site should be permanently closed. I also understand that in addition to the positive economical impact and opportunities Armstrong Coal Company is providing to the citizens of Ohio County, Richard feels that an additional monetary action is required by Armstrong Coal Company. Richard has suggested the resurfacing of Mid Way Road, starting at U.S. 62 and proceeding north to a distance no greater than Maddox Cemetery Lane or to a distance just past the "Francis House", depending upon negotiations with the owners of the Francis property. Armstrong Coal Company does agree to Richard's suggestion and looks forward to working with you and the Court to achieve a positive outcome to benefit both Armstrong and the people of Ohio County.

Sincerely,
Armstrong Coal Company, Inc.



Dennie Grider
Land Manager

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve the Treasurer’s Financial Statement for April 2008 as presented. (copy on file in Clerk’s office)

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to accept the FY 2006-2007 Final Audit of the Ohio County Fiscal Court (copy on file in Clerk’s office).

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve the following Resolution regarding FEMA financial assistance:

DESIGNATION OF APPLICANT’S AGENT

RESOLUTION

BE IT RESOLVED BY Fiscal Court OF Ohio County

THAT Ann Melton, Ohio County Treasurer

is hereby authorized to execute for and in behalf of Ohio County Fiscal Court, a public entity established under the laws of the Commonwealth of Kentucky, this application and to file it in the appropriate State office for the purpose of obtaining certain Federal financial assistance under the Disaster Relief Act (Public Law 288, 93rd Congress) or otherwise available from the President’s Disaster Relief Fund.

THAT Ohio County, a public entity established under the laws of the Commonwealth of Kentucky, hereby authorizes its agent to provide to the State and to the Federal Emergency Management Agency (FEMA) for all matters pertaining to such Federal disaster assistance the assurances and agreements printed on the reverse side hereof.

Passed and approved this 20 day of May 2008.

David Jones, Judge Executive
(Name and Title)

(Signature)

CERTIFICATION

I, Cheryl Morris, duly appointed and Fiscal Court Clerk of Ohio County, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Fiscal Court of Ohio County on the 20 day of May 2008.

Date: May 20, 2008

Fiscal Court Clerk
(Official Position)

Signature

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The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Burden that the Court approve to table the First Reading of Ordinance #2008-4: Authorizing the Collection of Annual Membership Fees for Certified Volunteer Fire Departments in Ohio County, Kentucky.

The motion died for lack of second.

Motion made by Esq. Minton that the Court approve the First Reading of Ordinance #2008-4 as presented: Authorizing the Collection of Annual Membership Fees for Certified Volunteer Fire Departments in Ohio County, Kentucky.

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	No
Keown	No
Burden	No
Jones	Yes

And the vote being three (3) to three (3) against said motion, the motion was rejected and it is so ordered.

Motion made by Esq. Minton that the Court approve the First Reading of Ordinance #2008-4 as amended: Authorizing the Collection of Annual Membership Fees for Certified Volunteer Fire Departments in Ohio County, Kentucky.

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	No
Keown	No
Burden	Yes
Jones	Yes

Said motion having carried four (4) to two (2), it is so ordered.

Motion made by Esq. Robinson that the Court approve to award the bid for FY 2008-2009 Item #1 – Contract Haul to the lone bidder, Rinker Materials (copy on file in Clerk’s office).

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Burden that the Court approve to award the bid for FY 2008-2009 Item #2 – Stone to the lone bidder, Rinker Materials (copy on file in Clerk’s office).

The motion was seconded by Esq. Robinson and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to award the bid for FY 2008-2009 Item #3 – Concrete Mix to the lone bidder, H.B. Stanley, Inc. (copy on file in Clerk’s office).

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Burden that the Court approve to accept the bids received from Ferguson Waterworks, Twin Supply Inc., O.C. Farm & Garden, and Contech Construction for FY 2008-2009 Item #4 – Steel Pipe (copies on file in Clerk’s office).

The motion was seconded by Esq. Bullock and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Robinson that the Court approve to award the bid for FY 2008-2009 Item #5 – Primer, Tack, & RS-2 Oils to Marathon Petroleum (copies on file in Clerk’s office).

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to accept all bids received from Key Oil, Valor Oil/Owensboro, and Valor Oil/Bowling Green for FY 2008-2009 Item #6 – Diesel Fuel & Gasoline (copies on file in Clerk’s office).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Abstain
Keown	Yes
Burden	Yes
Jones	Yes

Said motion having carried five (5) to one (1) abstention it is so ordered.

Motion made by Esq. Keown that the Court approve to award the bid for FY 2008-2009 Item #7 – Blacktop to the lone bidder of Scotty’s Contracting (copy on file in Clerk’s office).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Minton that the Court approve to accept all bids received from H.B. Stanley, Inc., E R Trucking Co., and Stewart’s Backhoe & Dozer for FY 2008-2009 Item #8 – Equipment Lease/Rental (copies on file in Clerk’s office).

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

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Motion made by Esq. Minton that the Court approve to accept all bids received from Twin Supply, O.C. Farm & Garden, and Ferguson Waterworks for FY 2008-2009 Item #9 – Plastic Pipe (copies on file in Clerk’s office).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to award the bid for FY 2008-2009 Item #10 – Electrical Work to Heritage Electric contingent upon providing proof of liability insurance. If Heritage Electric cannot provide proof of insurance, the bid award will go to OCDirect the next low bidder (copies on file in Clerk’s office).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to award the bid for FY 2008-2009 Item #10 – HVAC Work to the lone bidder of H & W Electric (copy on file in Clerk’s office).

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Esq. Keown that the Court approve to award the bid for FY 2008-2009 Item #12 – Computer I.T. Support to OCDirect (copies on file in Clerk’s office).

The motion was seconded by Judge Jones and after discussion of said motion the vote being called for was as follows:

Minton	Abstain
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

Said motion having carried five (5) to one (1) abstention it is so ordered.

Motion made by Esq. Burden that the Court approve to award the bid for FY 2008-2009 Item #13 – CDL Physicals to the lone bidder of Bluegrass Regional Healthcare (copy on file in Clerk’s office).

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to authorize the Judge Executive to notify all county officials and departmental heads that any and all successful bidders of county materials and supplies for FY 2008-2009 are to be used exclusively on county-related projects and any invoices submitted to the County Treasurer for work done by a non-successful bidder will be rejected for payment.

The motion was seconded by Esq. Keown and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Recommendation by Judge Jones that the Court approve to hire Bethany Phelps as part-time Adult Day Care Social Aide at the Ohio County Senior Center effective May 1, 2008 at a rate of \$7.50 per hour, pursuant to emergency Executive Order No. 2008-03-0429 (copy on file in Executive Order Book, Clerk’s office).

Roll call vote:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said recommendation was unanimously approved, and it is so ordered.

Motion made by Judge Jones that the Court approve to raise the County Road Foreman’s salary to \$16.83 per hour effective May 12, 2008.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Motion made by Judge Jones that the Court approve to adopt the following Resolution prioritizing single county coal severance projects:

RESOLUTION

COUNTY OF OHIO

A RESOLUTION OF THE COUNTY OF OHIO, KENTUCKY PRIORITIZING PROJECTS TO BE FUNDED WITH SINGLE-COUNTY COAL SEVERANCE FUNDS, AUTHORIZING THE COUNTY JUDGE EXECUTIVE TO ENTER INTO AGREEMENTS WITH THE GOVERNOR’S OFFICE FOR LOCAL DEVELOPMENT (GOLD) FOR THE PROJECTS, AND TO EXECUTE ANY DOCUMENTS WHICH ARE DEEMED NECESSARY BY GOLD TO FACILITATE THE PROJECTS AND TO ACT AS THE AUTHORIZED CORRESPONDENT FOR THE PROJECTS.

WHEREAS, the 2008 General Assembly enacted HB 410 which contains therein certain designated projects to be funded with single-county coal severance funds; and,

WHEREAS, it is recognized that these projects impose certain obligations and responsibilities upon the County,

NOW, THEREFORE, BE IT RESOLVED BY THE OHIO COUNTY FISCAL COURT, this 20th day of May 2008, the County Judge Executive is hereby authorized to execute and furnish all required documentation, including memorandums of agreement and interlocal agreements where needed, as may be required by GOLD for the furtherance of said projects and to act as the authorized correspondent for said projects as follows:

Section 1. The following projects are hereby officially identified and prioritized in **Fiscal Year 2008-2009** for implementation:

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1. Road Department – Purchase 4x4 Truck	\$34,000
2. EMS – Building – Land	\$360,000
3. City of Hartford – Wastwater Project	\$40,000
4. Ohio County Sports Complex - Improvements	\$40,000
5. Park Amphitheater – Blacktop	\$7,000
6. Road Department – D-Icing Equipment	\$43,300
7. One-Call Emergency Alert System	\$20,000
(Formerly Fordsville Weather Siren)	
8. City of Centertown – Water Tank – Line Extension	\$100,000
9. City of Fordsville – Water Meters	<u>\$15,000</u>
TOTAL	\$659,300

Section 2. The following projects are hereby officially identified and prioritized in **Fiscal Year 2009-2010** for implementation:

10. City of Beaver Dam – Sports Complex	\$50,000
11. Road Department – Purchase Tractor & Mower	\$95,000
12. Ohio County Sports Complex	\$50,000
13. Road Department – Excavator	\$156,000
14. Bluegrass Music Tourism Project	<u>\$20,000</u>
TOTAL	\$371,000

BY: _____
DAVID JONES
OHIO COUNTY JUDGE EXECUTIVE

ATTEST:

CHERYL MORRIS
OHIO COUNTY FISCAL COURT CLERK

The motion was seconded by Esq. Minton and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	No
Jones	Yes

Said motion having carried five (5) to one (1), and it is so ordered.

Motion made by Esq. Minton that the meeting is adjourned.

The motion was seconded by Esq. Burden and after discussion of said motion the vote being called for was as follows:

Minton	Yes
Bullock	Yes
Robinson	Yes
Keown	Yes
Burden	Yes
Jones	Yes

And said motion was unanimously adopted, and it is so ordered.

Meeting is adjourned.

David Jones, Judge Executive

Cheryl Morris, Fiscal Court Clerk